United States Patent and Trademark Office UNITED STATES DEPARTMENT OF COMMERCE United States Patent and Trademark Office Address: COMMISSIONER FOR PATENTS P.O. Box 1450 Alexandria, Virginia 22313-1450 www.uspto.gov APPLICATION NO CONFIRMATION NO. ING DATE ATTORNEY DOCKET NO. FIRST NAMED INVENTOR 03/18/2004 10/807,583 George E. Spooner JR. 84,040 4137 02/19/2008 **EXAMINER** Office of Counsel Code OC4 Naval Surface Warfare Center CLEMENT, MICHELLE RENEE Indian Head Division ART UNIT PAPER NUMBER 101 Strauss Ave., Bldg. D-31 Indian Head, MD 20640-5035 3641 MAIL DATE **DELIVERY MODE** 

Please find below and/or attached an Office communication concerning this application or proceeding.

02/19/2008

**PAPER** 

The time period for reply, if any, is set in the attached communication.

## Advisory Action Before the Filing of an Appeal Brief

Application No.	Applicant(s)		
10/807,583	SPOONER, GEORGE E.		
Examiner	Art Unit		
Michelle (Shelley) Clement	3641		

non-allowable claim(s).  7. For purposes of appeal, the proposed amendment(s): a) will not be entered, or b) will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.  The status of the claim(s) is (or will be) as follows: Claim(s) allowed: Claim(s) objected to: Claim(s) rejected: 5-10.15 and 16. Claim(s) withdrawn from consideration: AFFIDAVIT OR OTHER EVIDENCE  8. The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).  9. The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).  10. The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.  REQUEST FOR RECONSIDERATION/OTHER  11. The request for reconsideration has been considered but does NOT place the application in condition for allowance because:		Michelle (Shelley) Clement	3641				
1. ☑ The reply was filled after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must interly file one of the following replies: (1) an amendment, affidative, or other evidence with places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 4.1.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:  a) ☑ The period for reply expires 2 months from the mailing date of the final rejection.  Examiner Note: It box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FIRM, REJECTION. See MFEP? 05.07(1).  Extensions of time may be obtained under 37 CFR 1.135(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee hands been filed in the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee hands of the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee hands of the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; (cf) as set forth in (a) above, if checked. Any reply revealed by the Office later than three months after the mailing date of the final rejection, were set for the mailing date of the final rejection. The fee of filing the source of the final rejection of the final rejectio	The MAILING DATE of this communication appe	ars on the cover sheet with the c	orrespondence add	ress -			
application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for acliwance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 1.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:  a) \( \) The period for reply expires 2 months from the mailing date of the final rejection.  b) \( \) The period for reply expires 2 months from the mailing date of the final rejection.  b) \( \) The period for reply expires 2 months from the mailing date of the final rejection.  Examiner Note: If the 15 scheded, check lether box (a) or (2). ONLY CHECK 80X (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).  Extensions of time may be obtained under 37 CFR 1.316(a). The date on which the petition under 37 CFR 1.39(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the file. The appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the file. The appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the file. The appropriate extension fee the value of the filed of the filed in the period set forth in the filed of the filed in the period set forth in the filed of the filed in the period set forth in the filed of the filed in the period set forth in the filed of the filed in the period set forth in 37 CFR 41.37(a).  MONTICE OF APPEAL  C) The Notice of Appeal and Sted or Appeal was fled on	THE REPLY FILED 07 February 2008 FAILS TO PLACE THIS	APPLICATION IN CONDITION FO	R ALLOWANCE.				
b)	application, applicant must timely file one of the following application in condition for allowance; (2) a Notice of Apperfor Continued Examination (RCE) in compliance with 37 C	replies: (1) an amendment, affidavite eal (with appeal fee) in compliance v	i, or other evidence, with 37 CFR 41.31; or	hich places the (3) a Request			
no event, however, will the statulory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.  Examiner Note: If box 1: is checked, check either box (a) or (b). NLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).  Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee may reduce any amend patent term adjustment. See 37 CFR 7.010 (c) or (c) as set forth in (c) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any amend patent term adjustment. See 37 CFR 7.010 (c) consider a final rejection, but prior to the date of filing the Notice of Appeal was filed on A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a). The proposed amendment (s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because (a) Meximinal patents and the second of the second patents and the second patents are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).  See Continuation Sheet. (See 37 CFR 1.116(e).  The aff	a) The period for reply expires <u>3</u> months from the mailing date of the final rejection.						
MONTHS OF THE FINAL REJECTION. See MPEP 766.07(f).  Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee may be considered to the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 7.00 (CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal was filed on A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).  AMENDMENTS  3. ☑ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because (a) ☑ They raise new issues that would require further consideration and/or search (see NOTE below);  (b) ☐ They raise the issue of new matter (see NOTE below);  (c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or  (d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.  NOTE: See Continuation Sheet. (See 37 CFR 1.116 and 41.33(a)).  The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).  5. ☒ Applicant's reply has overcome the following rejection (s): ☐ The amendment are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).  NOTE: See Continuation Sheet. (Se	no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.						
have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 117(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if becked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).  NOTICE OF APPEAL  ☐ The Notice of Appeal was filed on A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(b)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).  AMENDMENTS  3. ☑ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because (a) ☑ They raise new issues that would require further consideration and/or search (see NOTE below); (b) ☐ They raise the issue of new matter (see NOTE below); (c) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.  NOTE: See Continuation Sheet. (See 37 CFR 1.116 and 41.33(a)).  4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).  5. ☑ Applicant's reply has overcome the following rejection(s): The cancellation of claims 17 and 18 has overcome the objection to the specification and the 35 U. Sc. 112 rejection.  6. ☐ Newly proposed or amended claim(s)	MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).						
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## Continuation Sheet (PTOL-303)

Application No.

Continuation of 3. NOTE: The amendments to the configuration of the rectangular recess raises new issues that would require further consideration and/or search.

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